1943

File No. Cotton Prohibition II 43

Legal Department

B **BRANCH**

Subject:— Rules and Notifications under the Bombay Options in Cotton Prohibition Act 1939

B/E

File No. Cotton Prohibitions II/43

Gen. 194 e.

239-B

Submitted with reference to the R.L.A.'s No.134-Confl., dated the 16th March 1943 on pp.13-15 ante. The F.D. has decided to take action under section 3 of the Bombay Options in Cotton Prohibition Act, 1939. The R.L.A. is requested to examine the amendment suggested in the F.D. note on p. 16 ante.

2. The requisite draft notification embodying a new bylaw to carry out the object in view is sent herewith.

Sd/- S.W.DHURANDHAR.
19/3

S.S.

As slightly amended.
Id/- K.M.C.
19/3

A.S.
Id/- S.L.C.
23/3

D.S. As at A.
Id/- N.K.D.
23/3

R.L.A.
Id/- P.N.K.
29/3

Office of the R.L.A.

The requisite draft notification embodying a new by-law to carry out the object in view is sent herewith.

Id/- P.N.K.
31/3

Remembrancer of Legal Affairs.

U.R. to F.D.,No.2371, dated the 31st March 1943.

RHB.
17.7.

NOTIFICATION.
Finance Department.
Bombay Castle, March 1913.

Bombay Cotton Options in Cotton Prohibition Act, 1939.

No. Whereas the Government of Bombay is of opinion that in the interest of trade it is necessary to make forthwith the following amendment in the By-laws of the East India Cotton Association, Limited;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of the Bombay Options in Cotton Prohibition Act, 1939 (Bom. XXV of 1939), and the proviso to the said section, the Government of Bombayis hereby pleased to make the following amendment in the By-laws of the East India Cotton Association, Limited, namely:-

In the said By-laws, after by-law 51, the following new by-law shall in inserted, namely:-

"51A. Notwithstanding anything contained in these by-laws or in anyresolution passed thereunder, the Provincial Government may, if it is of the opinon that in the interest of trade, it is necessaryto do so byorder require the Board to keep open the market and/or the rooms on anydayor days or for such length of time as maybe specified in the said order."

By order of the Governor of Bombay,

Secretary to Government.

RHB.
17.7.

Office of the R.I.A.

As regards amendments Nos. 1 and 2 at p.10 ante the view taken by F.D. that Government cannot make them under section 3 of the Bombay Options in Cotton Prohibition Act, 1939, is correct. Amendment No.3 is the main amendment and the amendments that follow namely 4 and 5, are only consequential. The portions bracketed in red pencil at pages 11-12 in amendment No.3 would (i) either be redundant if they are merely declaratory of the operation of by-laws 11 and 17, or else (ii) ultra vires the Provincial Government's powers if they fall within clauses (a) and (l) of section 6(2) of the Bombay Cotton Contracts Act. The portions may therefore be deleted. The amendments are highly technical and on a hurried scrutiny appear appear to be in order.

Id/- P.N.M.
8/11

Remembrancer of Legal Affairs.

U.R.to F.D.,No.8269, dated the 8th November 1943.

RHB.
17.7.